

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 22-CR-082-JFH

JONATHON LEE WATERS,

Defendant.

OPINION AND ORDER

Before the Court is a motion to dismiss (“Motion”) filed by the United States of America (“Government”). Dkt. No. 28. The Government requests leave to dismiss the indictment [Dkt. No. 2] without prejudice as to Defendant Jonathon Lee Waters (“Defendant”) and represents that Defendant has been charged in state court based on the same facts and circumstances.¹ *Id.*

Under Fed. R. Crim. P. 48(a), “courts must grant prosecutors leave to dismiss charges unless dismissal is clearly contrary to manifest public interest.” *United States v. Robertson*, 45 F.3d 1423, 1437 n.14 (10th Cir. 1995) (quoting *Rinaldi v. United States*, 434 U.S. 22, 30 (1977)). The Court concludes that dismissal of the charges against Defendant is not contrary to the public interest, nor is it for an improper purpose. The Government’s motion to dismiss should be granted.

IT IS THEREFORE ORDERED that the Government’s motion to dismiss [Dkt. No. 28] is GRANTED and the indictment [Dkt. No. 2] is dismissed without prejudice as to Defendant Jonathon Lee Waters.

¹ The Court may take judicial record of Oklahoma state court records, *see United States v. Ahidley*, 486 F.3d 1184, 1192 n.5 (10th Cir. 2007), and notes that Defendant was charged by information with seven counts in Cherokee County Case No. CF-2022-125 on September 30, 2022.

Dated this 19th day of October 2022.

A handwritten signature in black ink, appearing to read "John F. Heil, III", written over a horizontal line.

JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE